

The Honorable Robert S. Lasnik

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL ANDERSON and TRACEY
ANDERSON,

Plaintiffs,

v.

REED HEIN & ASSOCIATES, LLC d/b/a
TIMESHARE EXIT TEAM,

Defendant.

No. 2:16-cv-00785-RSL

CLASS ACTION

**[PROPOSED] ORDER GRANTING
UNOPPOSED MOTION FOR
APPROVAL OF SETTLEMENT, CLASS
NOTICE, SERVICE AWARDS, AND
ATTORNEYS' FEES AND COSTS**

Before the Court is the Unopposed Motion for Approval of Settlement, Class Notice, Service Awards, and Attorneys' Fees ("Motion") and the pertinent materials filed with that motion. For good cause shown, and as more fully explained below, the Motion is GRANTED. The Court ORDERS as follows:

1. The Court finds that the Settlement is fair and reasonable, and therefore approves the Settlement Agreement and Release attached herein as Exhibit 1;

2. The Court certifies the Settlement Class pursuant to 29 U.S.C. § 216(b) for settlement purposes only;

3. The Court approves the Notice and Claims Form, attached to the Settlement Agreement as Exhibits A and B, respectively, as well as the procedures relating to their dissemination to and return by the Settlement Class;

4. The Court finds that the attorneys' fees requested by Plaintiffs in the amount of

PLAINTIFFS' PROPOSED ORDER GRANTING UNOPPOSED
MOTION FOR APPROVAL OF SETTLEMENT, CLASS NOTICE,
SERVICE AWARD, AND ATTORNEYS' FEES AND COSTS - 1
(2:16-cv-00785-RSL)

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1 \$145,693 are fair and reasonable in light of the attorney time spent on the case and the result
2 achieved for the class. Class Counsel are awarded \$145,693 in fees from the class settlement
3 amount.

4 5. The Court finds that the costs requested by Plaintiffs' Counsel in the amount of
5 \$4,307 were reasonably incurred in pursuit of this action on behalf of the class. Class Counsel
6 are awarded \$4,307 in costs from the settlement amount.

7 6. The Court finds that the service award requested by each of the Named Plaintiffs
8 in the amount of \$5,000 is fair and reasonable under the circumstances of this case. Plaintiffs
9 Tracey Anderson and Michael Anderson are each awarded \$5,000 as a service award from the
10 settlement amount.

11 7. The Court approves the Settlement Administrator's fees of \$5,000 for Simpluris,
12 per the terms of the Settlement Agreement;

13 8. The Court finds that each Party shall bear his or its own attorneys' fees and costs
14 except as otherwise provided herein;

15 9. The Court Dismisses the Action and all Released Claims without prejudice as to
16 Named Plaintiffs and all Participating Settlement Class Members (also referred to as Eligible
17 Settlement Class Members), with such dismissal becoming a dismissal with prejudice fifteen
18 (15) business days after the lapse of the Notice Deadline, provided the payments required under
19 Section 15 of the Settlement Agreement have been made and Reed Hein does not terminate the
20 Settlement pursuant to Section 25 of the Settlement Agreement;

21 10. The Court shall have continuing jurisdiction over the Action (including for
22 purposes of submitting the returned Settlement Consent Forms from Eligible Class Members as
23 set forth in Section 14 of the Settlement). During the period of time in which the dismissal is
24 without prejudice, Plaintiffs may file a motion for leave to reinstate should Reed Hein either fail
25 to make payment as required under Section 15 of the Settlement or exercise its right to terminate
26 the Settlement pursuant to Section 25; and

27 11. After the case is dismissed with prejudice, the Parties agree to submit any

1 unresolved dispute regarding the Settlement to mediator Teresa Wakeen, and to be bound by her
2 decision as to such dispute in the event it cannot be resolved by agreement.

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4 **IT IS SO ORDERED.**

5 Dated: December ____, 2017.

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HON. ROBERT S. LASNIK
UNITED STATES DISTRICT COURT JUDGE

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10 RESPECTFULLY SUBMITTED: November 16, 2017.

11 By: s/ Donald W. Heyrich

12 By: s/ Jason A. Ritterreiser

13 By: s/ Rachel M. Emens

14 Donald W. Heyrich, WSBA #23091

15 Jason A. Ritterreiser, WSBA #43628

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PLAINTIFFS' PROPOSED ORDER GRANTING UNOPPOSED

MOTION FOR APPROVAL OF SETTLEMENT, CLASS NOTICE,

SERVICE AWARD, AND ATTORNEYS' FEES AND COSTS - 3

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Attorneys for Plaintiffs